

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

C.D. Oldsmobile, Inc., et al.,

Case No.: 3:06CV1053

Plaintiffs

v.

Order

General Motors Corporation,

Defendant

This is a *pro se* suit which, apparently, has been preceded by other litigation between the parties. The defendant appears to have prevailed in that litigation. It has filed a motion for summary judgment. In response to that motion, the plaintiff filed a motion for voluntary dismissal. That motion was denied because the dismissal would not be with prejudice.

The plaintiff was directed to file his response to the motion for summary judgment by August 31, 2006. No response has been filed. Instead, the plaintiff filed a motion for reconsideration of voluntary dismissal.

The plaintiff has failed to prosecute this action diligently. He has ignored deadlines and sought to set his own timetable. It appears, moreover, that the issues he seeks to litigate are foreclosed from further litigation by the doctrine of *res adjudicata*.

Because the plaintiff failed to comply with the deadline for filing his response to the defendant's motion for summary judgment, it is hereby

ORDERED THAT the complaint be, and the same hereby is dismissed, with prejudice. An appeal from this decision could not be taken in good faith and would be frivolous. No appeal shall, accordingly, be allowed without prepayment of the requisite filing fee, pursuant to 28 U.S.C. 1915(a)(3).

So ordered.

S/ James G. Carr
Chief Judge